

The Honorable Robert S. Lasnik

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON, et al.,

NO. 2:18-cv-01115-RSL

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
STATE, et al.,

**STIPULATED MOTION TO MODIFY
SUMMARY JUDGMENT BRIEFING
SCHEDULE**

**NOTE FOR CONSIDERATION:
MARCH 21, 2019**

I. STIPULATED MOTION

Pursuant to LCR 7(j) and 10(g), the Plaintiff States and the Federal Defendants submit this stipulated motion to modify the remainder of the summary judgment briefing schedule in light of the Court's March 19, 2019 order (Dkt. # 175).

Under the current briefing schedule (Dkt. # 115 at 2), the Plaintiff States filed a motion for summary judgment on February 15, 2019 (Dkt. # 170), and the Federal Defendants and Private Defendants filed combined oppositions and cross-motions on March 15, 2019 (Dkt. ## 173, 174). Currently, the States' combined replies and oppositions are due on April 5, 2019, and Defendants' replies are due on April 19, 2019. Dkt. # 115 at 2.

On March 19, 2019, the Court issued an order granting the Plaintiff States' Motion to Supplement the Administrative Record, and granted the States leave to take "discovery aimed

1 at establishing whether the pre-July 28, 2018, comments to the NPRMs were directly or
2 indirectly considered when issuing the temporary modification and letter." Dkt. # 175 at 7.
3 Pursuant to the order, by April 16, 2019, the Federal Defendants are to:

- 4
- 5 • certify that the administrative record has been reviewed and that all
6 materials considered, directly or indirectly, in making the decision to issue
the July 27, 2018, temporary modification and letter have been produced,
regardless of whether the materials support or are contrary to the decision;
and
 - 7 • produce settlement-related communications and materials generated in
8 Defense Distributed v. U.S. Dep't of State, C15-0372RP (W.D. Tex.), and
a privilege log for all assertedly privileged documents and materials that
9 were considered, directly or indirectly, in making the decision to issue the
July 27, 2018, temporary modification and letter.

10 Dkt. # 175 at 8.

11 It is Plaintiffs' view that the referenced information concerning the administrative
12 record will be relevant to the pending motions for summary judgment. In light of the Court's
13 order, the Plaintiff States and the Federal Defendants request that the remainder of the
14 summary judgment briefing schedule be modified as follows:

- 15
- 16 • The States shall file their combined reply and opposition to the Federal Defendants'
motion by May 10, 2019.
 - 17 • The Federal Defendants shall file a reply by May 24, 2019.

18 No party (including the Private Defendants)¹ takes a position on whether the briefing
19 schedule as to the Private Defendants should also be modified such that the above deadlines
20 apply to them as well. Unless the Court orders otherwise, the States will file their combined
21 reply and opposition to the Private Defendants' motion by April 5, 2019, and the Private
22 Defendants will file their reply by April 19, 2019, in accordance with the current schedule.

23

24

25

26 ¹ Counsel for the State of Washington conferred with counsel for the Private Defendants via telephone
and email on March 21, 2019.

1 DATED this 21st day of March, 2019.

2 ROBERT W. FERGUSON
3 Attorney General of Washington

4 /s/ Jeffrey Rupert
5 JEFFREY RUPERT, WSBA #45037
6 Division Chief
7 TODD BOWERS, WSBA #25274
8 Deputy Attorney General
9 JEFFREY T. SPRUNG, WSBA #23607
10 KRISTIN BENESKI, WSBA #45478
11 ZACHARY P. JONES, WSBA #44557
12 Assistant Attorneys General
13 JeffreyR2@atg.wa.gov
14 ToddB@atg.wa.gov
15 JeffS2@atg.wa.gov
16 KristinB1@atg.wa.gov
17 ZachJ@atg.wa.gov
18 *Attorneys for Plaintiff State of Washington*

19 JOSEPH H. HUNT
20 Assistant Attorney General

21 BRETT A. SHUMATE
22 Deputy Assistant Attorney General

23 JOHN R. GRIFFITHS
24 Director, Federal Programs Branch

25 ANTHONY J. COPPOLINO
26 Deputy Director, Federal Programs Branch

27 /s/ Stuart J. Robinson
28 STUART J. ROBINSON
29 STEVEN A. MYERS
30 ERIC J. SOSKIN
31 Trial Attorneys
32 U.S. Department of Justice
33 Civil Division, Federal Programs Branch
34 450 Golden Gate Ave.
35 San Francisco, CA 94102
36 (415) 436-6635 (telephone)
37 (415) 436-6632 (facsimile)
38 stuart.j.robinson@usdoj.gov

39 *Attorneys for the Federal Defendants*

1 **II. ORDER**

2 Pursuant to the above stipulation, it is so ordered.

3 The summary judgment briefing schedule as to the Private Defendants:

4 remains as established in the Case Management Order (Dkt. # 115).

5 is modified such that the deadlines above apply as to both the Federal
6 Defendants and the Private Defendants.

7 
8 THE HONORABLE ROBERT S. LASNIK
9 UNITED STATES DISTRICT JUDGE

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

STIPULATED MOTION TO MODIFY
SUMMARY JUDGMENT BRIEFING
SCHEDULE

2:18-cv-01115-RSL